

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 25, 27-29 and 31-39 are pending in the application. Claim 25 has been amended to address the formal matter raised in the outstanding Official Action. In addition, claim 25 has been amended to incorporate the recitations of claims 26 and 30, respectively. Claims 26 and 30 have been canceled.

Claim 25 was rejected for allegedly introducing new matter into the disclosure. Applicants respectfully submit that the phrase "a solid form" is implicitly supported by the disclosure. Nevertheless, claim 25 has been amended to address this issue.

In the outstanding Official Action, claims 25-39 were rejected under 35 USC §103(a) as allegedly being unpatentable over HAUER et al. Claims 25-39 were also rejected under 35 USC §103(a) as allegedly being unpatentable over COTTENS. These rejections are respectfully traversed.

HAUER describes microemulsions and microemulsion preconcentrate compositions which contain a hydrophilic phase, a lipophilic phase and a surfactant (column 6, lines 45-50). However, the HAUER's lipophilic phase is represented by liquid

solvents, that must be non-miscible with the hydrophilic phase (see column 9, lines 58-61).

Claim 25 also recites that the melting point of the lipophilic compounds is between 40 and 90°C. Support for this amendment can be found on page 7, line 19 of the specification.

Moreover, contrary to the non-miscible phases of HAUER, claim 25 recites that the lipophilic phase and hydrophilic matrix are "dispensed throughout".

This formulation cannot be in any way anticipated or rendered obvious by the compositions described by HAUER et al.

COTTENS describes microemulsions and microemulsion concentrate compositions comprising a hydrophilic phase containing dimethylisobutyl alcohol and/or a lower alkyl alkanolic ester, a lipophilic phase and a surfactant (page 2, lines 13-19).

Claim 25 recites that the hydrophilic phase contains compounds selected from the group consisting of acrylic or methacrylic acid polymers, acrylic copolymers, methacrylic copolymers, alkyl vinyl polymers, hydroxyalkylcellulose, carboxyalkylcellulose, polysaccharides, dextrans, pectines, starches, starch derivatives, alginic acid, natural gums, synthetic gums, and polyalcohols. Support for this amendment can be found in the first lines of page 8 of the specification.

Thus, the formulation cannot be in any way anticipated or rendered obvious by COTTENS et al.

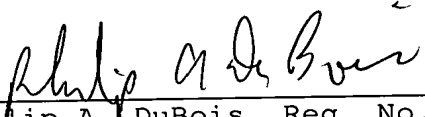
Applicants also note that claim 25 recites the transitional phrase consisting essentially of, which relates to the claimed combination of phases/matrices and implies that the technical effect (controlled release) is achieved by such a combination without the need for adding further components that materially effect the invention. Thus, the claims are even further distinguishable from the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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